

ROBERT CASTIGLIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:07CV958 FRB
	)	
ALAN BLAKE, et al.,	)	
	)	
Defendants.	)	

This matter is before the Court upon its own motion. Plaintiff is before the Court in forma pauperis. Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. The Court has reconsidered the allegations in the complaint and finds that they fail to state a claim upon which relief can be granted.

Plaintiff, a civilly committed resident at the Missouri Sexual Offender Treatment Center, alleges that he was given a conduct violation for disrespectful behavior and that his privileges were suspended for two days. Upon reconsideration of the allegations, the Court finds that they do not rise to the level of a constitutional violation. Thielman v. Leean, 282 F.3d 478, 484 (7th Cir. 2002) (civilly confined sexually violent predators “may not nickel and dime [their] way into a federal claim by citing small, incremental

deprivations of physical freedom.”). As a result, the complaint will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

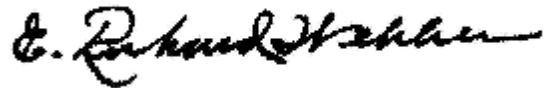
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s complaint is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B).

**IT IS FURTHER ORDERED** that the Court’s Orders dated June 4, 2007, are **VACATED**.

An Order of Dismissal shall accompany this Memorandum and Order.

So Ordered this 2nd Day of August, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

---

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE